

# Notice of Allowability

Application No.

10/081,630

Examiner

Lawrence W Luk

Applicant(s)

HOFFMAN, GARY

Art Unit

2838

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/27/2004.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 4.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Lawrence Luk*  
*examiner*  
*6/23/04*

**Examiner's amendment**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. The application has been amended as follows in the claims:
  - Claim 4, page 7, line 1, 'wh rein the microprocessor circuitry' is replaced with 'wherein the microprocessor circuitry'.
  - Claim 12, page 9, line 1, 'm ans for sensing the voltage across th battery' is replaced with 'means for sensing the voltage across the battery'.
  - Claim 14, page 10, line 1, 'when th selectively enabled switch is closed for det rmining the value' is replaced with 'when the selectively enabled switch is closed for determining the value'.

***Allowable Subject Matter***

3. Claims 1-23 are allowed.

Claim 1 is allowable. The reason for allowance is that the prior art of record fails to disclose or reasonably suggest a selectively enabled switch, means for sensing the voltage across the resistor; and means for sensing the voltage across the battery for the condition when the selectively enabled switch is open and for the condition when the selectively enabled switch is closed. It is these features found in the claim, as they are

claimed in the combination, which has not been found, taught, or suggested by the prior art of record, which makes this claim allowable over the prior art.

Claims 2-11 and 23 are allowed due to their dependency on claim 1.

Claim 12 is allowable. The reason for allowance is that the prior art of record fails to disclose or reasonably suggest a selectively enabled switch, means connecting the current source in series with the resistor, the selectively enabled switch, and the battery for selectively passing the first current source current through the resistor and the battery; means for sensing the voltage across the resistor; and means for sensing the voltage across the battery for the condition when the selectively enabled switch is open and for the condition when the selectively enabled switch is closed. It is these features found in the claim, as they are claimed in the combination, which has not been found, taught, or suggested by the prior art of record, which makes this claim allowable over the prior art.

Claim 13 is allowed due to its dependency on claim 12.

Claim 14 is allowable. The reason for allowance is that the prior art of record fails to disclose or reasonably suggest a selectively enabled switch, means for sensing the voltage across the battery for the condition when the selectively enabled switch is open and for the condition when the selectively enabled switch is closed. It is these features found in the claim, as they are claimed in the combination, which has not been found, taught, or suggested by the prior art of record, which makes this claim allowable over the prior art.

Claims 15-17 are allowed due to their dependency on claim 14.

Claim 18 is allowable. The reason for allowance is that the prior art of record fails to disclose or reasonably suggest sensing the voltage across the battery for the condition when the load current and test current flow through the battery and for the condition when only the load current flows through the battery; and calculating the value of the battery resistance. It is these features found in the claim, as they are claimed in the combination, which has not been found, taught, or suggested by the prior art of record, which makes this claim allowable over the prior art.

Claims 19-22 are allowed due to their dependency on claim 18.

### **Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence W Luk whose telephone number is (571)272-2080. The examiner can normally be reached on 7 a.m. to 5 p.m..  
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on (571)272-2084. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LWL  
June 23, 2004

*Lawrence Luk*  
*examiner*  
*6/23/04*